

Pacific Union College loses motion vs Angwin developer

January 17, 2014 • [KERANA TODOROV](#)

Pacific Union College lost a round in court this week when a Napa County Superior Court judge ruled a developer can record a notice of a pending lawsuit on hundreds of acres of Angwin property which the college argued would disrupt a prospective sale to a third party.

The Seventh-day Adventist school, which has been planning to sell land next month, filed suit in December to prevent Sustainable Community Partners LLC from filing “lis pendens” notices on college property in an effort to cloud the sale to a unnamed buyer.

On Wednesday, lawyers for both parties argued their case in front of Judge Diane Price in Napa County Superior Court. Price took the matter under submission.

On Thursday, Price denied PUC’s application for a preliminary injunction. The judge rejected PUC’s argument that Sustainable Community Partners had no legal basis to file a “lis pendens” because it has “no real property claim.”

“Here, Defendant has not yet filed any pleadings in this matter. Thus, there are no causes of action for the court to analyze as to whether the Defendant has a ‘real property claim’ pursuant to (the California Code of Civil Procedure) that would support a ‘lis pendens,’” Price wrote.

A lawyer for Sustainable Community Partners said Friday that “we are pleased with the court ruling.” Robert Stumpf Jr., of Sheppard, Mullin, Richter & Hampton, LLP of San Francisco, declined further comment.

In light of Price’s ruling, it is unclear whether PUC will continue its efforts to sell the property to the unnamed third party. PUC attorney Barry Lee of Manatt, Phelps & Phillips LLP of San Francisco declined comment Friday.

Pacific Union College in early 2013 agreed to sell land in Angwin to Sustainable Community Partners for a residential and vineyard development, according to court documents. However, the agreement fell through a few months later, in April 2013.

In an email on April 15, 2013, John Collins, PUC vice president for asset management, wrote that Sustainable Community Partners “does not have the full financial strength to carry-out the project to a successful completion.”

In December, PUC sued the development company, alleging the company was trying to cloud the college’s new plans to sell land to an unidentified party by filing a lis pendens.

On Thursday, Sustainable Community Partners filed a cross complaint in Napa County Superior Court for unspecified damages and legal expenses, alleging breach of contract by PUC and co-defendant Howell Mountain Enterprises, a company affiliated with PUC, over its decision to terminate the purchase-and-sale agreement signed in February 2013.

A case management conference is scheduled for May 27.